

House File 2408 - Introduced

HOUSE FILE 2408

BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HSB 627)

A BILL FOR

- 1 An Act relating to the distribution and permissible
- 2 expenditures of the emergency communications service
- 3 surcharge and the duties of the E911 communications council.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 34A.7A, subsection 2, Code 2016, is
2 amended to read as follows:

3 2. Moneys collected pursuant to subsection 1 and section
4 34A.7B, subsection 2, shall be deposited in a separate E911
5 emergency communications fund within the state treasury
6 under the control of the program manager. Section 8.33 shall
7 not apply to moneys in the fund. Moneys earned as income,
8 including as interest, from the fund shall remain in the fund
9 until expended as provided in this section. Moneys in the fund
10 shall be expended and distributed in the following priority
11 order:

12 a. An amount as appropriated by the general assembly to the
13 director shall be allocated to the director and program manager
14 for implementation, support, and maintenance of the functions
15 of the director and program manager and to employ the auditor
16 of state to perform an annual audit of the E911 emergency
17 communications fund.

18 b. (1) The program manager shall allocate to each joint
19 E911 service board and to the department of public safety a
20 minimum of one thousand dollars per calendar quarter for each
21 public safety answering point within the service area of the
22 department of public safety or joint E911 service board that
23 has submitted an annual written request to the program manager
24 in a form approved by the program manager by May 15 of each
25 year.

26 (2) The amount allocated under this paragraph "b" shall be
27 sixty percent of the total amount of surcharge generated per
28 calendar quarter allocated as follows:

29 (a) Sixty-five percent of the total dollars available for
30 allocation shall be allocated in proportion to the square miles
31 of the service area to the total square miles in this state.

32 (b) Thirty-five percent of the total dollars available for
33 allocation shall be allocated in proportion to the wireless
34 E911 calls taken at the public safety answering point in
35 the service area to the total number of wireless E911 calls

1 originating in this state.

2 (c) Notwithstanding subparagraph divisions (a) and (b), the
3 minimum amount allocated to each joint E911 service board and
4 to the department of public safety shall be no less than one
5 thousand dollars for each public safety answering point within
6 the service area of the department of public safety or joint
7 E911 service board.

8 (3) The funds allocated in this paragraph ``b`` shall be used
9 for emergency communication equipment utilized by the public
10 safety answering points for the implementation and maintenance
11 of E911 services.

12 ~~b.~~ c. From July 1, 2013, until June 30, 2026, the program
13 manager shall allocate ten percent of the total amount of
14 surcharge generated to wireless carriers to recover their costs
15 to deliver E911 phase 1 services. If the allocation in this
16 paragraph is insufficient to reimburse all wireless carriers
17 for such carrier's eligible expenses, the program manager
18 shall allocate a prorated amount to each wireless carrier
19 equal to the percentage of such carrier's eligible expenses as
20 compared to the total of all eligible expenses for all wireless
21 carriers for the calendar quarter during which such expenses
22 were submitted. When prorated expenses are paid, the remaining
23 unpaid expenses shall no longer be eligible for payment under
24 this paragraph.

25 ~~e.~~ d. The program manager shall reimburse communications
26 service providers on a calendar quarter basis for carriers'
27 eligible expenses for transport costs between the selective
28 router and the public safety answering points related to the
29 delivery of wireless E911 phase 1 services.

30 ~~d.~~ e. The program manager shall reimburse wire-line
31 carriers and third-party E911 automatic location information
32 database providers on a calendar quarterly basis for the
33 costs of maintaining and upgrading the E911 components and
34 functionalities beyond the input to the E911 selective router,
35 including the E911 selective router and the automatic location

1 information database.

2 ~~e. (1) The program manager shall allocate to each joint~~
3 ~~E911 service board and to the department of public safety a~~
4 ~~minimum of one thousand dollars per calendar quarter for each~~
5 ~~public safety answering point within the service area of the~~
6 ~~department of public safety or joint E911 service board that~~
7 ~~has submitted an annual written request to the program manager~~
8 ~~in a form approved by the program manager by May 15 of each~~
9 ~~year.~~

10 ~~(2) The amount allocated under this paragraph "e" shall be~~
11 ~~forty-six percent of the total amount of surcharge generated~~
12 ~~per calendar quarter allocated as follows:~~

13 ~~(a) Sixty-five percent of the total dollars available for~~
14 ~~allocation shall be allocated in proportion to the square miles~~
15 ~~of the service area to the total square miles in this state.~~

16 ~~(b) Thirty-five percent of the total dollars available for~~
17 ~~allocation shall be allocated in proportion to the wireless~~
18 ~~E911 calls taken at the public safety answering point in~~
19 ~~the service area to the total number of wireless E911 calls~~
20 ~~originating in this state.~~

21 ~~(c) Notwithstanding subparagraph divisions (a) and (b), the~~
22 ~~minimum amount allocated to each joint E911 service board and~~
23 ~~to the department of public safety shall be no less than one~~
24 ~~thousand dollars for each public safety answering point within~~
25 ~~the service area of the department of public safety or joint~~
26 ~~E911 service board.~~

27 ~~(3) The funds allocated in this paragraph "e" shall be~~
28 ~~used for communication equipment utilized by the public safety~~
29 ~~answering points for the implementation and maintenance of E911~~
30 ~~services.~~

31 f. (1) If moneys remain in the fund after fully paying
32 all obligations under paragraphs "a", "b", "c", "d", and "e",
33 the remainder may be accumulated in the fund as a carryover
34 operating surplus. shall be expended and distributed in the
35 following priority order:

1 (a) (i) The E911 communications council may provide a grant
2 to any public safety answering point agreeing to consolidate
3 with one or more other public safety answering points. Such
4 a grant to a public safety answering point shall not exceed
5 one-half of the projected cost of consolidation, or two hundred
6 thousand dollars, whichever is less.

7 (ii) The grant program established in this subparagraph
8 division shall expire on June 30, 2022.

9 (iii) The director, in consultation with the program
10 manager and the E911 communications council, shall adopt rules
11 governing the eligibility for and the E911 communications
12 council's distribution of grants to public safety answering
13 points pursuant to this subparagraph division.

14 (b) The program manager, in consultation with the E911
15 communications council, shall allocate an amount, not to exceed
16 one hundred thousand dollars per fiscal year, for development
17 of public awareness and educational programs related to the
18 use of 911 by the public, educational programs for personnel
19 responsible for the maintenance, operation, and upgrading of
20 local E911 systems, and the expenses of members of the E911
21 communications council for travel, monthly meetings, and
22 training.

23 (c) The program manager shall allocate remaining surplus
24 shall be used moneys equally as follows:

25 (i) To public safety answering points to fund future network
26 and public safety answering point improvements and for the
27 receipt and disposition of 911 calls, including hardware and
28 software for an internet protocol-enabled next generation
29 network, and wireless.

30 (ii) Costs related to access the state's interoperable
31 communications system.

32 (iii) Costs related to the receipt and disposition of 911
33 calls.

34 (iv) Wireless carriers' transport costs related to wireless
35 E911 services, if those costs are not otherwise recovered by

1 wireless carriers through customer billing or other sources and
2 approved by the program manager in consultation with the E911
3 communications council.

4 (2) Notwithstanding [section 8.33](#), any moneys remaining in
5 the fund at the end of each fiscal year shall not revert to the
6 general fund of the state but shall remain available for the
7 purposes of the fund.

8 *g.* The director, in consultation with the program manager
9 and the E911 communications council, shall adopt rules pursuant
10 to [chapter 17A](#) governing the distribution of the surcharge
11 collected and distributed pursuant to [this subsection](#). The
12 rules shall include provisions that all joint E911 service
13 boards and the department of public safety which answer
14 or service wireless E911 calls are eligible to receive an
15 equitable portion of the receipts.

16 Sec. 2. Section 34A.15, Code 2016, is amended by adding the
17 following new subsection:

18 NEW SUBSECTION. 3A. The council may provide grants, subject
19 to available moneys in the E911 emergency communications fund,
20 to public safety answering points agreeing to consolidate
21 pursuant to section 34A.7A, subsection 2, paragraph "f".

Sec. 3. STUDY OF CONSOLIDATION OF PUBLIC SAFETY ANSWERING
POINTS. The department of homeland security and emergency
management shall conduct a study to determine how public safety
answering points can be consolidated to achieve operational
and cost efficiencies. The study shall also review sections
34A.7 and 34A.7A to determine the most efficient method
of distributing surcharge revenues to support a network of
consolidated public safety answering points. The department
shall submit a report containing the results of the study no
later than January 15, 2017.

32 EXPLANATION

33 The inclusion of this explanation does not constitute agreement with
34 the explanation's substance by the members of the general assembly.

35 This bill relates to the distribution and permissible

1 expenditures of the E911 emergency communications service
2 surcharge.

3 Under current Code section 34A.7A, a monthly surcharge
4 is imposed on all communications service providers in Iowa.
5 Moneys collected pursuant to the surcharge are deposited in
6 a fund and are distributed by the E911 program manager in a
7 priority order as listed in Code section 34A.7A(2), paragraphs
8 "a" through "f".

9 The bill establishes a higher priority of funding for
10 the contents of Code section 34A.7A(2), paragraph "e", which
11 relates to funding to be provided to joint E911 service boards
12 and to the department of public safety (DPS), and increases the
13 amount of moneys allocated for funding under this paragraph
14 from 46 percent to 60 percent of the total amount of surcharge
15 generated. The bill also specifies that the funds allocated to
16 such joint E911 boards and to DPS shall be used for "emergency"
17 communication equipment to receive and dispose of 911 calls.

18 The bill amends Code section 34A.7A(2), paragraph "f",
19 which relates to the distribution of any moneys remaining
20 after fully paying all prioritized obligations under the
21 previous paragraphs, by establishing a new priority order for
22 the expenditure and distribution of such remaining moneys.
23 First in this priority order is an amount allocated to the
24 E911 communications council to provide grants to public
25 safety answering points agreeing to consolidate, not to exceed
26 one-half of the cost of consolidation, or \$200,000, whichever
27 is less. Such grants may be provided until June 30, 2022.
28 Second in this priority order is an amount, not to exceed
29 \$100,000 per year, to be allocated only for the development
30 of public awareness and educational programs relating to the
31 use and maintenance of E911 systems and not for the expenses
32 of members of the E911 communications travel for meetings and
33 training. Third in this priority order is for any remaining
34 moneys to be allocated equally to the following: public safety
35 answering points to fund future network improvements; costs

1 related to access the Iowa interoperable communications system;
2 costs related to the receipt and disposition of 911 calls; and
3 wireless carriers' transport costs for wireless E911 services,
4 if applicable.

5 The bill provides the E911 communications council with the
6 authority to provide grants to consolidating public safety
7 answering points under Code section 34A.15.

8 The bill requires the department of homeland security and
9 emergency management to conduct a study to determine the most
10 efficient method to consolidate public safety answering points.
11 The department must submit a report containing the results of
12 the study no later than January 15, 2017.